

Visa Bulletin

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VISA BULLETIN FOR SEPTEMBER 2007

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **September**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by August **13th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. The fiscal year 2007 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 2007 limit for employment-based preference immigrants calculated under INA 201 is 147,148. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 26,120 for FY-2007. The dependent area limit is set at 2%, or 7,463.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Fam-ily	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPP-INES
1st	01OCT01	01OCT01	01OCT01	01JAN91	15MAY92
2A	08OCT02	08OCT02	08OCT02	01APR02	08OCT02
2B	01JUL98	01JUL98	01JUL98	08MAR92	15NOV96
3rd	01JAN00	01JAN00	01JAN00	08FEB88	15FEB91
4th	01MAR97	22JUL96	15APR96	01SEP90	01JUN85

*NOTE: For September, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01APR02. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01APR02 and earlier than 08OCT02. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIP-PINES
Employ-ment					

-Based					
1st	01JAN07	01JAN07	01JAN07	01JAN07	01JAN07
2nd	01JAN07	01JAN06	01APR04	01JAN07	01JAN07
3rd	01AUG02	U	U	U	01AUG02
Other Workers	U	U	U	U	U
4th	01JAN07	01JAN07	01JAN07	01JAN07	01JAN07
Certain Religious Workers	01JAN07	01JAN07	01JAN07	01JAN07	01JAN07
5th	01JAN07	01JAN07	01JAN07	01JAN07	01JAN07
Targeted Employment Areas/ Regional Centers	01JAN07	01JAN07	01JAN07	01JAN07	01JAN07

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2007 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For **September**, immigrant numbers in the DV category are available to qualified DV-2007 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
		Except: Egypt: 23,900

AFRICA	CURRENT	Ethiopia: 16,000 Nigeria: 20,700
ASIA	CURRENT	
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2007 program ends as of September 30, 2007. DV visas may not be issued to DV-2007 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2007 principals are only entitled to derivative DV status until September 30, 2007. DV visa availability through the very end of FY-2007 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN OCTOBER

For **October**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	6,700	Except: Egypt: 3,400 Ethiopia: 2,900 Nigeria: 4,700
ASIA	2,100	
EUROPE	5,800	
NORTH AMERICA (BAHAMAS)	2	
OCEANIA	300	
SOUTH AMERICA, and the CARIBBEAN	400	

D. EMPLOYMENT PREFERENCE VISA AVAILABILITY FOR SEPTEMBER

Due to the return of unused July numbers by consular posts abroad, and the limited amount of pending demand eligible for final processing at consular posts, it has been possible to reestablish cut-off dates in many of the Employment preference categories.

E. MEXICO FAMILY FOURTH PREFERENCE RETROGRESSION:

There has been a significant increase in number use in the Mexico Family Fourth preference category. As a result, it has been necessary to retrogress this cut-off date for September in an effort to hold number use within the annual numerical limit.

F. DETERMINATION OF THE NUMERICAL LIMITS ON IMMIGRANTS REQUIRED UNDER THE TERMS OF THE IMMIGRATION AND NATIONALITY ACT (INA)

The State Department is required to make a determination of the worldwide numerical limitations, as outlined in Section 201(c) and (d) of the INA, on an annual basis. These calculations are based in part on data provided by Citizenship and Immigration Services (CIS) regarding the number of immediate relative adjustments in the preceding year and the number of aliens paroled into the United States under Section 212(d)(5) in the second preceding year. Without this information, it is impossible to make an official determination of the annual limits. To avoid delays in processing while waiting for the CIS data, the Visa Office (VO) bases allocations on the minimum annual limits outlined in Section 201 of the INA. On July 29th, CIS provided the required data to VO.

The Department of State has determined the family and employment preference numerical limits for FY-2007 in accordance with the terms of Section 201 of the INA. These numerical limitations for FY-2007 are as follows:

Worldwide Family-Sponsored preference limit:	226,000
Worldwide Employment-Based preference limit:	147,148

Under INA Section 202(a), the per-country limit is fixed at 7% of the family and employment annual limits. For FY-2007 the per-country limit is 26,120. The dependent area annual limit is 2%, or 7,463.

G. DIVERSITY VISA LOTTERY 2007 (DV-2008) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2008 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available *50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 96,000 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first *50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2008 numbers will be used during fiscal year 2008 (October 1, 2007 until September 30, 2008).

Applicants registered for the DV-2008 program were selected at random from over 6.4 million qualified entries received during the 60-day application period that ran from 12:00 AM on October 4, 2006, until midnight, December 3, 2006. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact the Bureau of Citizenship and Immigration Services for information on the requirements and procedures. Once the total *50,000 visa numbers have been used, the program for fiscal year 2008 will end. Selected applicants who do not

receive visas by September 30, 2008 will derive no further benefit from their DV-2008 registration. Similarly, spouses and children accompanying or following to join DV-2008 principal applicants are only entitled to derivative diversity visa status until September 30, 2008.

Only participants in the DV-2008 program who were selected for further processing have been notified. Those who have not received notification were not selected. They may try for the upcoming DV-2009 lottery if they wish. The dates for the registration period for the DV-2009 lottery program will be widely publicized during August 2007.

* The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by foreign-state chargeability of those registered for the DV-2008 program:

AFRICA		
ALGERIA 1,926	ETHIOPIA 5,241	NIGER 165
ANGOLA 27	GABON 37	NIGERIA 8,773
BENIN 438	GAMBIA, THE 57	RWANDA 138
BOTSWANA 22	GHANA 5,914	SENEGAL 917
BURKINA FASO 186	GUINEA 463	SIERRA LEONE 1,137
BURUNDI 39	GUINEA-BISSAU 4	SOMALIA 214
CAMEROON 3,152	KENYA 4,547	SOUTH AFRICA 713
CAPE VERDE 13	LESOTHO 4	SUDAN 1,147
CENTRAL AFRICAN REP. 8	LIBERIA 2,148	SWAZILAND 4
CHAD 47	LIBYA 88	TANZANIA 218
COMOROS 5	MADAGASCAR 43	TOGO 1,509
CONGO 1,206	MALAWI 53	TUNISIA 150
CONGO, DEMOCRATIC REPUBLIC OF THE 111	MALI 171	UGANDA 370
COTE D'IVOIRE 614	MAURITANIA 27	WESTERN SAHARA 1
DJIBOUTI 20	MAURITIUS 62	ZAMBIA 214
EGYPT 4,392	MOROCCO 5,017	ZIMBABWE 167
EQUATORIAL GUINEA 7	MOZAMBIQUE 8	
ERITREA 878	NAMIBIA 12	

ASIA		

AFGHANISTAN 57	ISRAEL 150	QATAR 6
BAHRAIN 11	JAPAN 382	SAUDI ARABIA 61
BANGLADESH 5,983	JORDAN 56	SINGAPORE 70
BHUTAN 10	NORTH KOREA 4	SRI LANKA 675
BRUNEI 2	KUWAIT 46	SYRIA 94
BURMA 653	LAOS 7	THAILAND 108
CAMBODIA 187	LEBANON 190	TAIWAN 446
HONG KONG SPECIAL ADMIN. REGION 69	MALAYSIA 87	UNITED ARAB EMIRATES 27
INDONESIA 266	MONGOLIA 259	YEMEN 70
IRAN 1,435	NEPAL 2,562	
IRAQ 164	OMAN 5	

EUROPE		
ALBANIA 2,862	GERMANY 1,469	NORTHERN IRELAND 34
ANDORRA 1	GREECE 77	NORWAY 43
ARMENIA 1,130	HUNGARY 182	PORTUGAL 48 Macau 19
AUSTRIA 70	ICELAND 13	ROMANIA 1,526
AZERBAIJAN 271	IRELAND 162	SERBIA 557
BELARUS 1,072	ITALY 363	SLOVAKIA 157
BELGIUM 89	KAZAKHSTAN 304	SLOVENIA 12
BOSNIA & HERZEGOVINA 73	KYRGYZSTAN 180	SPAIN 135
BULGARIA 1,567	LATVIA 75	SWEDEN 118
CROATIA 41	LITHUANIA 334	SWITZERLAND 132
CYPRUS 16	LUXEMBOURG 12	TAJIKISTAN 126
CZECH REPUBLIC 158	MACEDONIA 343	TURKEY 2,188
DENMARK 58	MALTA 5	TURKMENISTAN 124
ESTONIA 37	MOLDOVA 474	UKRAINE 5,018
FINLAND 59	MONACO 4	UZBEKISTAN 3,101

FRANCE 603 French Guiana 6 French Polynesia 6 Guadeloupe 4 Martinique 4	MONTENEGRO 22	
GEORGIA 516	NETHERLANDS 123 Aruba 8 Netherlands Antilles 18	

NORTH AMERICA	
BAHAMAS, THE 17	

OCEANIA		
AUSTRALIA 649	NEW ZEALAND 260 Niue 5	SAMOA 27
FIJI 630	PALAU 7	SOLOMON ISLANDS 2
KIRIBATI 9	PAPUA NEW GUINEA 4	TONGA 120

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN		
ANTIGUA AND BARBUDA 1	DOMINICA 9	PARAGUAY 26
ARGENTINA 106	ECUADOR 217	SAINT KITTS AND NEVIS 1
BARBADOS 17	GRENADA 1	SAINT LUCIA 5
BELIZE 14	GUATEMALA 74	SAINT VINCENT AND THE GRENADINES 1
BOLIVIA 148	GUYANA 24	SURINAME 3
CHILE 26	HONDURAS 42	TRINIDAD AND TOBAGO 82
COSTA RICA 22	NICARAGUA 39	URUGUAY 23
CUBA 691	PANAMA 17	VENEZUELA 256

Natives of the following countries were not eligible to participate in DV-2008: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R. and Taiwan), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, Russia, South Korea, the United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

H. OBTAINING THE MONTHLY VISA BULLETIN

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